

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

BRIANNA HENRY,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2021-0016
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
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Attorneys:
Lee J. Rohn, Esq.,
Jennifer Sue Koockogey, Esq.,
St. Croix, U.S.V.I.
For Plaintiff

Angela Tyson-Floyd, Esq.,
St. Croix, U.S.V.I.
For Defendant

ORDER

THIS MATTER comes before the Court on Plaintiff's "Motion to Dismiss without Prejudice" ("Motion to Dismiss") (Dkt. No. 6), wherein Plaintiff requests that the Court dismiss the instant action without prejudice. *Id.* at 1.

Plaintiff filed the Complaint in the matter in the Virgin Islands Superior Court alleging claims of negligence against Defendants Jeanine Carbon Thomas and Naita Salmon, two medical practitioners. (Dkt. No. 1-2). The case was then removed to federal court. (Dkt. No. 1). Defendant the United States of America moved to substitute itself in lieu of the two named defendants on the basis that at the time of the acts alleged in the Complaint, Defendants Thomas and Salmon were acting within the scope of their employment with the Frederiksted Health Center, which is deemed a Public Health Service entity for purposes of the Federal Tort Claims Act ("FTCA"). (Dkt. No. 2

at 1). Magistrate Judge George W. Cannon Jr. granted Defendant the United States of America's Motion to Substitute. (Dkt. No. 5).

In the instant Motion to Dismiss, Plaintiff states that she was unaware that the Frederiksted Health Center was deemed a Public Health Service entity for the purposes of the FTCA and moves to dismiss this matter without prejudice to allow her to comply with the requirements of the FTCA prior to bringing suit. (Dkt. No. 6 at 1). Defendant the United States of the America states that it has no objection to Plaintiff's Motion to Dismiss. (Dkt. No. 7). Without opining on the merits of Plaintiff's legal arguments that undergird her reasons for seeking dismissal of this action, the Court will grant Plaintiff's Motion.

UPON CONSIDERATION of the foregoing, it is hereby

ORDERED that Plaintiff's Motion to Dismiss without Prejudice (Dkt. No. 6) is **GRANTED**; and it is further

ORDERED that the instant matter is **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that the Clerk of Court is directed to mark this case **CLOSED**.

SO ORDERED.

Date: April 23, 2021

_____/s/_____
WILMA A. LEWIS
Chief Judge